

### **REMARKS**

Applicant has carefully reviewed the Office Action mailed on January 29, 2008, prior to preparing this response. Claims 19-22, 24-38 and 40 are pending and have been rejected. Claims 19, 21, 24-26, 28-35, and 37 have been amended, and claims 27, 36 and 40 have been cancelled with this paper. Support for the amendments may be found in cancelled claims 27 36 and 40, and at FIG. 2B. No new matter has been added. Favorable consideration of the above amendments and following remarks is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. §102**

Claims 19-22, 24, 26-33, 35-38 and 40 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lundquist, U.S. Patent No. 5,228,441. Applicant respectfully traverses this rejection.

As currently amended, claim 19 recites that the braid overlaps the distal end of the tubular shaft such that a portion of the braid is located proximal of the distal end of the tubular shaft. Lundquist at least fails to teach this limitation of claim 19. Namely, Lundquist states that "[t]he braided member 54 which extends within the shrink tubing 46 up to the distal extremity of the torque tube 31 to the line 56 shown in FIG. 3." Lundquist, at column 5, lines 16-19. Although after carefully reviewing FIG. 3 of Lundquist a line 56 was not identified, it is clear from the written description of Lundquist that the braided member 54 only extends proximally to the distal extremity of the torque tube 31. Thus, it is apparent that the braided member 54 does not overlap the torque tube 31 such that a portion of the braided member 54 extends proximal of the distal end of the torque tube 31.

As currently claimed in the present application, overlapping the braid over the tubular shaft may provide better attachment between the braid and the tubular shaft, preventing separation of the braid from the shaft and/or may provide a more gradual change in flexibility of the shaft of the medical device, preventing possible kinking at a junction between the braid and the tubular shaft.

For at least these reasons Lundquist does not anticipate claim 19. Claim 19 is believed to be in condition for allowance. Claims 20-22, 24 and 26, which depend from claim 19 and add significant additional limitations, are also believed to be in condition for allowance. Withdrawal of the rejection is respectfully requested.

Claims 28 and 37, similar to claim 19, as currently amended, each recite that the braid overlaps the distal end of the tubular member such that a portion of the braid is located proximal of the distal end of the tubular member. For at least the reasons stated above regarding claim 19, Lundquist does not anticipate either of claims 28 and 37. Claims 28 and 37 are believed to be in condition for allowance. Claims 29-33, 35 and 38, which depend from one of claims 28 and 37 and add significant additional limitations, are also believed to be in condition for allowance. Withdrawal of the rejection is respectfully requested.

**Claim Rejections Under 35 U.S.C. §103**

Claims 25 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lundquist, U.S. Patent No. 5,228,441, in view of Schwartz, U.S. Patent No. 5,437,288. Applicant respectfully traverses this rejection.

Claim 25 depends from claim 19 and claim 34 depends from claim 28. For at least the reasons stated above, Lundquist fails to teach each and every limitation of claims 19 and 28. The teachings of Schwartz fail to remedy the shortcomings of Lundquist. For at least this reason a *prima facie* case of obviousness has not been established. Withdrawal of the rejection is respectfully requested.

**Conclusion**

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Roger Farnholtz

By his Attorney,



David M. Crompton, Reg. No. 36,772  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, MN 55403-2420  
Telephone: (612) 677-9050  
Facsimile: (612) 359-9349

Date: 4/25/08